

# HOUSE BILL No. 1691

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-5-5; IC 8-23-6-5.

**Synopsis:** State highway intersection improvements. Requires the department of transportation to construct sidewalks and curb ramps at the crosswalks at a certain intersection in the city of Decatur. Requires the city or property owners subject to assessment to provide for maintenance.

**Effective:** Upon passage.

## Ripley

January 21, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1691

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-23-5-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department may  
3 construct sidewalks on and along a highway in the state highway  
4 system outside the corporate limits of a city whenever the department  
5 considers that sidewalks are necessary for the protection and safety of  
6 pedestrians.  
7 (b) The department shall construct sidewalks, including curb  
8 ramps at the crosswalks, in the manner provided for by  
9 IC 8-23-23-2 at the intersection of U.S. Highway 27 and County  
10 Road 500N in a city having a population of more than nine  
11 thousand (9,000) but less than nine thousand five hundred  
12 thirty-five (9,535) that is located in a county having a population of  
13 more than thirty-three thousand six hundred (33,600) but less than  
14 thirty-three thousand eight hundred (33,800).  
15 SECTION 2. IC 8-23-6-5 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Except as provided in**  
17 **subsection (b)**, this chapter does not annul, limit, or abridge the right



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of a city or town, either at its own expense or at the expense of property owners subject to assessment, to improve the sidewalks and curbs along a street forming the route of a state highway, to construct sewers and drains, or to construct or maintain a part of the roadway of the street not improved or maintained by the department. The city or town shall provide adequate drainage for the street except as otherwise provided in this chapter. Except as expressly provided in this chapter and subject to IC 9-21, this chapter does not limit the right of a city or town to regulate traffic over a street over which a highway is routed or to relieve the city or town of liability now imposed by law. The cost of improvement, except as otherwise provided in this chapter, shall be paid for out of the funds appropriated to the department. Whenever a person, firm, limited liability company, or corporation, other than a municipal corporation, is required or obligated by a law, ordinance, or contract to keep in repair or to maintain or to construct a street, any part of a street, or any railroad, interurban railroad, or street railroad crossing, or any structure or bridge thereon, this chapter does not relieve the person, firm, limited liability company, or corporation or the receiver thereof from the duty, obligation, or contract.

**(b) After the department has constructed sidewalks and other improvements as provided in IC 8-23-5-5, a city having a population of more than nine thousand (9,000) but less than nine thousand five hundred thirty-five (9,535) that is located in a county having a population of more than thirty-three thousand six hundred (33,600) but less than thirty-three thousand eight hundred (33,800) is responsible for the maintenance of the sidewalks and improvements, either at its own expense or at the expense of the property owners subject to assessment.**

**SECTION 3. An emergency is declared for this act.**

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